

Please charge any required extension-of-time fees not otherwise paid by check to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

Because the Office Action made the rejection of the pending claims final, consideration of this response pursuant to the expedited procedure for response after final rejection set forth at 1059 OG 19-20 respectfully is solicited.

Please amend the application as follows:

#### **IN THE CLAIMS**

In accordance with amendment practice pursuant to Rule 1.121(c)(1)(i), presented below is a “clean” set of “rewritten claims.” A “marked up” version of these claims is attached hereto as Exhibit 1 pursuant to Rule 1.121(c)(1)(ii).

1. (Twice Amended) A phytosterol ester compound produced from a reaction of a phytosterol with eicosapentaenoic acid or docosahexaenoic acid, said compound being liquid at temperatures from about -20°C to about 20°C.

8. (Twice Amended) A composition comprising an admixture of the compounds (a) and (b) wherein (a) is a phytosterol ester compound produced from a reaction of a phytosterol with eicosapentaenoic acid or docosahexaenoic acid; and (b) is a second ester which is the product of an esterification reaction between a phytosterol and/or a phytostanol and (i) a fatty acid having less than 18 or more than 22 carbon atoms and at least three carbon-carbon double

bonds and/or; (ii) a fatty acid having from 18 to 22 carbon atoms and less than three carbon-carbon double bonds.

Please add the following claims:

--24. A phytostanol ester compound produced from a reaction of a phytostanol with eicosapentaenoic acid or docosahexaenoic acid, said compound being liquid at temperatures from about -20°C to about 20°C.

--25. A compound produced from a reaction of eicosapentaenoic acid or docosahexaenoic acid with a mixture of phytosterol and phytostanol, wherein the phytosterol is selected from the group consisting of beta-sitosterol, stigmasterol, campesterol, and mixtures thereof; and the phytostanol is selected from the group consisting of campestanol, beta-sitostanol, and mixtures thereof.--

#### **REMARKS**

Claim 1 has been amended to delete "and/or phytostanol" on lines 1 and 2 and to recite "said compound being liquid at temperatures from about -20°C to about 20°C." Support for these amendments is found in the specification at, for example, Examples 1-4; and in original claim 1. *In re Gardner*, 177 USPQ 396, 397 (CCPA 1973) and MPEP §§ 608.01(o) and (l).

Claim 8 has been amended delete phytostanol from the definition of "a compound according to claim 1," and to place it in independent form. Support for this amendment is found in, for example, original claims 1 and 8.